

**PLANNING AND REGULATORY COMMITTEE
NOTICE OF MEETING**

Date: Wednesday, 15 November 2017
Time: 10.30 am
Place: Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN

Contact: Huma Younis 020 8213 2725 or Emma O'Donnell 020 8541 8987, Room 122, County Hall

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[For queries on the content of the agenda and requests for copies of related documents]

APPOINTED MEMBERS [12]

Tim Hall (Chairman)	Leatherhead and Fetcham East;
Keith Taylor (Vice-Chairman)	Shere;
Natalie Bramhall	Redhill West & Meadvale;
Stephen Cooksey	Dorking South and the Holmwoods;
Matt Furniss	Shalford;
Jeffrey Harris	Tadworth, Walton & Kingswood;
Edward Hawkins	Heatherside and Parkside;
Ernest Mallett MBE	West Molesey;
Bernie Muir	Epsom West;
Andrew Povey	Cranleigh & Ewhurst;
Mrs Penny Rivers	Godalming North;
Rose Thorn	Godstone;

EX OFFICIO MEMBERS (NON-VOTING) [4]

David Hodge CBE	Leader of the Council	Warlingham;
John Furey	Deputy Leader, Cabinet Member for Economic Prosperity	Addlestone;
Peter Martin	Chairman of the Council	Godalming South, Milford & Witley;
Tony Samuels	Vice-Chairman of the Council	Walton South & Oatlands;

APPOINTED SUBSTITUTES [17]

Mary Angell	Woodham and New Haw;
Mike Bennison	Hinchley Wood, Claygate and Oxshott;
Chris Botten	Caterham Hill;
Nick Darby	The Dittons;
Jonathan Essex	Redhill East;
Angela Goodwin	Guildford North;
David Goodwin	Guildford South-West;
Richard Hampson	Haslemere;
Nick Harrison	Nork & Tattenhams;
Julie Iles	Horsleys;
Graham Knight	Horley East;
Yvonna Lay	Egham;
David Lee	Caterham Valley;
Cameron McIntosh	Oxted;
Chris Townsend	Ashtead;
Will Forster	Woking South;
Fiona White	Guildford West;

Register of planning applications: <http://planning.surreycc.gov.uk/>

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AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and notices of substitutions under Standing Order 42.

2 MINUTES OF THE LAST MEETING

(Pages 1 - 24)

To confirm the minutes of the meeting held on Wednesday 18 October 2017 as an accurate record of the meeting.

3 PETITIONS

To receive any petitions from members of the public in accordance with Standing Order 65 (please see note 7 below).

4 PUBLIC QUESTION TIME

To answer any questions received from local government electors within Surrey in accordance with Standing Order 66 (please see note 8 below).

5 MEMBERS' QUESTION TIME

To answer any questions received from Members of the Council in accordance with Standing Order 48.

6 DECLARATIONS OF INTERESTS

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

7 SP12/01132/SCD9 LAND AT MANOR FARM, ASHFORD ROAD AND WORPLE ROAD AND LAND WEST OF QUEEN MARY RESERVOIR, ASHFORD ROAD, LALEHAM, SURREY

(Pages 25 - 46)

Detailed landform and planting design proposals for Phase 1 within Manor Farm submitted pursuant to Condition 46 (part discharge of condition) of planning permission ref: SP/2012/01132 dated 23 October 2015.

8 DATE OF NEXT MEETING

The next meeting of the Planning & Regulatory Committee will be on Wednesday 13 December 2017.

Julie Fisher
Acting Chief Executive
Published: Friday 3 November 2017

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

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Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

Note: *This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.*

Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the representative of Legal and Democratic Services at the meeting

NOTES:

1. The Chairman will adjourn the meeting for lunch from 12.45pm unless satisfied that the Committee's business can be completed by 1.15pm.
2. Members are requested to let the Regulatory Committee Manager have the wording of any motions and amendments not later than one hour before the start of the meeting.

3. Substitutions must be notified to the Regulatory Committee Manager by the absent Member or group representative at least half an hour in advance of the meeting.
4. Planning officers will introduce their report and be able to provide information or advice to Members during the meeting. They can also be contacted before the meeting if you require information or advice on any matter.
5. A record of any items handled under delegated powers since the last meeting of the Committee will be available for inspection at the meeting.
6. Members of the public can speak at the Committee meeting on any planning application that is being reported to the Committee for decision, provided they have made written representations on the application at least 14 days in advance of the meeting, and provided they have registered their wish to do so with the Regulatory Committee Manager no later than midday on the working day before the meeting. The number of public speakers is restricted to five objectors and five supporters in respect of each application.
7. Petitions from members of the public may be presented to the Committee provided that they contain 100 or more signatures and relate to a matter within the Committee's terms of reference. The presentation of petitions on the following matters is not allowed: (a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985; and (b) planning applications. Notice must be given in writing at least 14 days before the meeting. Please contact the Regulatory Committee Manager for further advice.
8. Notice of public questions must be given in writing at least 7 days before the meeting. Members of the public may ask one question relating to a matter within the Committee's terms of reference. Questions on "confidential" or "exempt" matters and planning applications are not allowed. Questions should relate to general policy and not detail. Please contact the Regulatory Committee Manager for further advice.
9. On 10 December 2013, the Council agreed amendments to the Scheme of Delegation so that:
 - All details pursuant (applications relating to a previously granted permission) and non-material amendments (minor issues that do not change the principles of an existing permission) will be delegated to officers (irrespective of the number of objections).
 - Any full application with fewer than 5 objections, which is in accordance with the development plan and national policies will be delegated to officers.
 - Any full application with fewer than 5 objections that is not in accordance with the development plan (i.e. waste development in Green Belt) and national policies will be delegated to officers in liaison with either the Chairman or Vice Chairman of the Planning & Regulatory Committee.
 - Any application can come before committee if requested by the local member or a member of the Planning & Regulatory Committee.

The revised Scheme of Delegation came into effect as of the date of the Council decision.

TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to “*have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*”. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: “*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*”

Development plan

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Plan 2008 (comprised of the Core Strategy, Waste Development and Waste Development Control Policies DPDs)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in each report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

Material considerations

Material considerations will vary from planning application to planning application and can include: relevant European policy; the March 2012 National Planning Policy Framework (NPPF) and updates; the March 2014 national Planning Practice Guidance (PPG) and updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2013; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

National Planning Policy Framework and Planning Practice Guidance

The March 2012 [National Planning Policy Framework](#) (NPPF) and subsequent updates replaced 30 Planning Policy Statements, Planning Policy Guidance Notes, Minerals Policy Statements and Minerals Policy Guidance Notes and related Practice Guides, some Government Circulars and letters to Chief Planning Officers and provides consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG) provides related guidance. The NPPF should be read alongside other national planning policies on [Waste](#), [Travellers](#), [Planning for Schools Development](#), [Sustainable Drainage Systems](#), [Parking](#), and [Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development which the document states "*should be seen as a golden thread running through both plan-making and decision-taking*" (paragraph 14). The NPPF makes clear the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic, social and environmental. These give rise to the need for the planning system to perform a number of mutually dependent roles: an economic role, a social role and an environmental role. The NPPF sets out 12 core land-use planning principles that should underpin both decision-taking and plan making.

The NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 14) states that development proposals that accord with the development plan should be approved without delay; and where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or specific policies in the NPPF indicate development should be restricted.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 215 states that in determining planning applications local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given). For emerging plans the NPPF (paragraph 216) states that, unless material considerations indicate otherwise, weight may also be given to relevant policies in emerging plans according to:

- *"The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;*
- *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

HUMAN RIGHTS ACT 1998 – GUIDANCE FOR INTERPRETATION

This Guidance should be read in conjunction with the Human Rights section in the following Committee reports.

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights in English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report. Members of the public wishing to make oral representations may do so at Committee, having given the requisite advance notice, and this satisfies the requirements of Article 6.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 18 October 2017 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting.

Members Present:

Mr Tim Hall (Chairman)
Mr Keith Taylor (Vice-Chairman)
Mrs Natalie Bramhall
Mr Stephen Cooksey
Mr Jeff Harris
Mr Edward Hawkins
Mr Ernest Mallett MBE
Mrs Bernie Muir
Dr Andrew Povey
Mrs Penny Rivers

Apologies:

Mr Matt Furniss
Mrs Rose Thorn

234/17 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Matt Furniss and Rose Thorn. There were no substitutions.

235/17 MINUTES OF THE LAST MEETING [Item 2]

The Minutes of the previous meeting, held on 13 September 2017, were approved as an accurate record of the meeting.

236/17 PETITIONS [Item 3]

There were none.

237/17 PUBLIC QUESTION TIME [Item 4]

There were none.

238/17 MEMBERS' QUESTION TIME [Item 5]

There were none.

239/17 DECLARATIONS OF INTERESTS [Item 6]

Mr Stephen Cooksey informed the Committee that as Local Member for Item 7, Land off Bury Hill Wood, he had previously spoken against the application at the Public Inquiry to voice the concerns of the local community. Mr Cooksey assured Members he was taking an entirely different approach during this Committee meeting and would consider the items with no pre-determination. He also clarified that he was not present at the Mole Valley

District Council meeting when the item was discussed, nor was he a Member of the Mole Valley Planning Committee.

Dr Andrew Povey declared a non-pecuniary interest in that he was a Trustee of the Surrey Hills Society.

240/17 MO/2017/0911 - LAND OFF BURY HILL WOOD, COLDHARBOUR LANE, HOLMWOOD, SURREY, RH5 6HN [Item 7]

An update sheet was tabled at the meeting. This is attached at Annex A.

Officers:

Caroline Smith, Planning Development Manager
Samantha Murphy, Principal Planning Officer
Nancy El-Shatoury, Principal Solicitor

Speakers:

As this item had been deferred from 2 August 2017 after public speaking had already taken place, no further public speaking was permitted on this item in accordance with Standing Order 67.10 of the Surrey County Council Constitution.

The Chairman agreed for the Local Member to speak on this item.

Hazel Watson, Local Member, made the following points:

1. The Traffic Management Plan (TMP) was unsafe, unworkable and not suitable for Coldharbour Lane.
2. The timings for Heavy Goods Vehicle (HGV) movements were unrealistic.
3. Cyclists would be put at danger due to the blind bends and steep gradients of the lane.
4. The width of vehicles, 2.8m, could damage the banks of the lane.
5. The route involving the M25 would be subject to unpredictable delays and HGVs could end up arriving at the site outside of permitted hours.

Key points raised during the discussion:

1. Officers introduced the report and update sheet and explained that clarifications had been made to address the four points of concern raised by Members at the meeting held on 2 August 2017. These being:
 - a) to take into consideration any information that arose from Mole Valley District Council's committee meeting that was held on the evening of 2 August (Mole Valley District Council objected to this planning application at their meeting of 2 August and this is covered at paragraph 47 onwards),
 - b) detail of the substance of the terms of agreement for the use of Ryka's Car Park,
 - c) the system of communications which can be relied upon to ensure all parties affected by the terms of the CTMP remain in contact,
 - d) confirmation of the type of surfacing material to be used at the site.
2. Members raised concern that traffic impact on Dorking Town Centre needed to be addressed and that in its current iteration, the TMP did

not do this adequately, and that the timings in the TMP were not realistic to anyone who knew the area well.

3. Members noted that whilst clarification had been sought on the system of communications, there was a lack of detail provided other than that it would be a satellite telephone system. This did not provide an assurance that it was a robust and adequate system whereby residents could make contact if required.
4. Members raised concern about the effectiveness of a traffic controller and banksman who would be required to conduct stop/go control across three junctions.
5. A Member stated he was disappointed that 3D imaging had not been provided. The 2D image showed the base width of the lane but did not take into account any arches or overhanging trees. Officers explained that this was not one of the clarifications sought by the Committee as part of the deferral, however the Planning Inspector was satisfied that, as part of the public inquiry, the drilling rig was able to pass down Coldharbour Lane with sufficient clearance.
6. Officers explained that the reason for the TMP was that where the lane narrowed, it was not possible for oncoming vehicles to pass a HGV. The TMP has arranged for vehicles to be held at a wider part of the lane to manage this safely. The drilling rig will travel down the lane during its three day closure.
7. Members commented that whilst clarifications had been made to address the points requested by the Committee, the response made by Mole Valley District Council's Development Control Committee (as detailed in the update sheet) raises new issues.
8. Some members of the Committee recognised that the need for oil and gas was of national importance and the approval of this application would be essential for the country's economy.
9. Officers explained that although 20 trees along Coldharbour Lane were protected by Tree Preservation Orders (TPO), this was not a reason to not approve development. The applicant would liaise with the Highway Authority to assess trees for any trimming that would be necessary as a protective measure.
10. It was stated that Europa could have down more to liaise with the residents that live down Coldharbour Lane.
11. The Planning Development Manager stated that if the item was to be deferred, it would need to be deferred in relation to Condition 19 and the Committee would need to specify what part of the condition they were not satisfied had been met.

The meeting was adjourned at 11:30am and resumed at 11:42am.

12. A Motion was put forward by Mr Stephen Cooksey, seconded by Mrs Penny Rivers that the TMP should be refused as the application and TMP does not satisfy Condition 19.
13. Officers advised the Committee to vote with caution, as the applicant had already provided clarifications and some of the discussions around the M25 congestion and drivers' tachograph readings are outside of the applicants' control and the applicant could appeal the decision on the grounds of non-determination.
14. The Motion to refuse was put to a vote, in which two voted for and eight voted against; therefore the motion was lost.
15. Mr Edward Hawkins put forward a Motion, seconded by Mrs Bernie Muir that:

The application be deferred in order to receive further information to address the following:

- i. For the area of the TMP to be widened to include the dedicated 'holding area'
 - ii. Confirmation that Cobham motorway services are prepared to create a dedicated holding area and are prepared to extend waiting beyond the current time limit.
 - iii. How the banksmen will deal with any HGVs arriving late to the site
 - iv. For the applicant to engage with all relevant parties listed in the report in order to understand issues and seek to mitigate these.
16. The Motion to defer was put to a vote. There were seven votes for; therefore the Motion was carried and the application deferred.

RESOLVED

That application MO/2017/0911- **LAND OFF BURY HILL WOOD, COLDHARBOUR LANE, HOLMWOOD, SURREY, RH5 6HN** be **DEFERRED** in order to receive more information on the following;

- v. For the area of the TMP to be widened to include the dedicated 'holding area'
- vi. Confirmation that Cobham motorway services are prepared to create a dedicated holding area and are prepared to extend waiting beyond the current time limit.
- vii. How the banksmen will deal with any HGVs arriving late to the site
- viii. For the applicant to engage with all relevant parties listed in the report in order to understand issues and seek to mitigate these.

241/17 MO/2016/1563 - LAND AT BURY HILL WOOD, COLDHARBOUR LANE, HOLMWOOD, SURREY RH5 6HN [Item 8]

An update sheet was tabled at the meeting and this is attached at Annex B

Officers:

Caroline Smith, Planning Development Manager
Samantha Murphy, Principal Planning Officer
Nancy El-Shatoury, Principal Solicitor

Speakers:

Alan Hustings, local resident, made the following points:

1. Planning permission for Europa was granted, subject to strict conditions. The first was regarding the site plan, with a clear red line area of 0.79 hectares (ha). This application has expanded the site in every direction.
2. This application is for both buildings and fences to be erected on the enlarged site, breaching Condition 6. The applicant and officers claim the conditions do not apply as this is not a modification or addition to an existing application, but instead a new one.
3. The site plan shows changes to the access track and the western boundary has been moved four metres outwards to give more space on the site.

4. The site was carefully kept at under 1.00 ha to minimise the risk of being deemed a major development. By setting these conditions, the Planning Inspectorate expected these to be adhered to.
5. The Council should expect a legal challenge if this application is approved.

Max Rosenberg, local resident, made the following points:

1. The Inspector's primary reason for granting permission was that the site was smaller than 1.00 ha. This application for fencing and ancillary buildings violates that rationale, as the size of the site has increased from 0.79 ha to 1.01 ha. The Inspector explicitly stated that sites greater than 1.00 ha were considered to be major developments. It is probable that the Inspector would not have granted permission if the site was 1.01 ha at the time of the original application.
2. The original application was considered by the Inspector not to be harmful to the Area of Outstanding Natural Beauty (AONB) due to its lack of visibility. This new application makes the site visible from Coldharbour Lane, with at least 100m-200m of industrial fencing on the roadside.
3. Europa claimed the application was needed due to a change in the security environment, however the Environmental Impact Assessment was written in 2014, after protest activity had begun.
4. Security fencing should have been included in the original application.

Vicki Elcoate, frequent user of Coldharbour Lane:

1. The only other fence on the lane is rustic and wooden and blends into the surroundings. The fencing proposed in this application will industrialise the lane and cause major visual impact in an AONB.
2. There was a lack of clarity regarding the length of the fence.
3. 18 weeks was not an insignificant length of time given the number of cyclists and visitors to the area all year round.
4. A pathway on the western side of the development would be cut off, impacting on public access. This route could be a Public Right of Way which had not be recorded on the definitive map. Surrey County Council should assess this route for inclusion in the map and then follow procedures for temporary closure of a right of way accordingly.

Julian Everett, local resident, made the following points:

1. Questioned why the application was not submitted as part of the Public Inquiry in 2015 in order to allow the Planning Inspectorate to make an informed decision.
2. Europa submitted its standalone application in October 2016. The community response was to set up a protection camp as a result. The applicant has retrospectively blamed the protection camp as the reason for their application.
3. Applicant has made no attempt to engage with the local community. Residents want to preserve a natural legacy for future generations.
4. Right of protest is within the constitution of democracy. Exercising of democracy does not require enhanced security measures.
5. The application should be rejected as it risks escalating tensions further between residents and the applicant.

Hazel Watson, Local Member, made the following points:

1. The proposal seeks to increase the well site area by 25%.

2. The fencing was not in-keeping with the landscape in an AONB. It would have an adverse impact on the landscape and on public enjoyment.
3. The proposed structures constituted inappropriate development on the Green Belt.
4. Asked the Committee to vote against the application.

Claire Brindley and Paul Foster, Applicants Agents, made the following points:

1. The application is for a temporary security fence and welfare facilities for the temporary exploratory well site that was granted planning permission in August 2015.
2. Security environment has changed significantly since the application was first submitted in 2008. It is standard industry practice to have enhanced security on sites and this need has been demonstrated with a protest camp being set up on site since October 2016.
3. The applicant has a duty of care to its workforce and the public by ensuring safety measures are in place.
4. No objection had been raised by the Surrey Hills AONB officer, except the importance to adhere to the 18 week timescale to mitigate impact.
5. The development would be wholly reversible, and the site would be restored for use by the Forestry Commission on cessation of exploratory activities.
6. The 28 vehicular movements for the delivery and collection of the fencing and facilities are to be considered as part of the Traffic Management Plan.
7. There would be no additional external lighting and a condition will be applied by officers to this effect.

Key points raised during the discussion:

1. There was some discussion around why the fencing application was not submitted as part of the Public Inquiry.
2. A Member suggested that welfare facilities at the site were required on a practical basis.
3. A Member highlighted that the Inspector's judgement was based on the size of the original site and that this inclusion could have led to the Inspector's refusal.
4. Members questioned how no further lighting can be needed if 24 hour security would be in operation. The case officer clarified that, as part of the light management plan that had already been approved by the Committee, lighting would be only be on 24 hours a day during the drilling phase due to health and safety requirements. Outside of the drilling phase, no lighting was permitted outside of the hours of 7:00am-6:00pm. The officer confirmed that the generator would be in operation 24 hours a day, which the noise consultant was satisfied with.
5. There was some discussion about the presence of Japanese knotweed on site and its treatment. The officer explained that the applicant had committed to spraying the Japanese Knotweed using approved chemicals in accordance with Condition 14 and Environment Agency requirements.
6. The Planning Development Manager read out paragraph 98 from the Inspectors appeal decision to address points of discussion about the increased size of the site.

Jeffrey Harris left the room at 12:40 and returned at 12:43, therefore did not take part in the vote.

7. The Chairman moved the recommendation to permit the application. There were seven votes for, two votes against; therefore the recommendation was carried and the application permitted.

RESOLVED

That application MO/2016/1563- **LAND AT BURY HILL WOOD, COLDHARBOUR LANE, HOLMWOOD, SURREY, RH5 6HN** - be **PERMITTED** subject to the conditions and informatives outlined in the report.

242/17 RE16/02556/CON - HORSE HILL 1 WELL SITE, HORSE HILL, HOOKWOOD, HORLEY, SURREY RH6 0RB [Item 9]

An update sheet was tabled, and this is attached at Annex C

Officers:

Duncan Evans, Senior Planning Officer
 Caroline Smith, Planning Development Manager
 Nancy El-Shatoury, Principal Solicitor

Speakers:

Melissa More, local resident, made the following points:

1. During the acid using flow-test last year, horses had respiratory problems, residents fainted, had nausea and nosebleeds. It was unknown what the long term affects would be.
2. The CEO of UKOG stated the exploration was a complex technological issue and that the flow has come from a rock unit that has never been tested before. Local residents are not willing to be an experiment.
3. Over 80% of studies state there are numerous health risks linked with living in close proximity to an active well site.
4. Drilling techniques are known to cause earthquakes. Dorking and Reigate are built on sand caves.

Lisa Scott, local resident, made the following points:

1. An increase of people working from home, cycling and a proposed plastic bottle deposit scheme all reduce the need for oil.
2. During the flow test last year, whilst running, I inhaled a noxious substance and felt at risk of losing consciousness. A GP confirmed inflammation to back of the throat. During the flow testing period, my daughter had a nosebleed and family experienced headaches, all known symptoms linked to well activity.
3. Public footpath is now impassable, causing a loss of trade to local pubs and businesses and increasing the risk of drink-driving as a result.
4. There is some inconsistency on the numeric details regarding oil quantities in the application documents.
5. The revised Horse Hill traffic management scheme does not adequately answer questions.

David Bruml, local resident, made the following points:

1. Water is being put at risk by these new invasive techniques.
2. UKOG reported problems with the cement seal at Billingshurst last week.
3. The geology through the weald is cracked so could lead to contamination. The site is in the catchment of the River Mole. There have been a number of fish deaths in the River Mole due to contamination in the last week.
4. With proximity to lots of water, it is not an acceptable risk in an area with aquifers and springs.
5. Called for a halt to all deep oil drilling in the weald until a public inquiry is carried out to assess the water risks posed by these new techniques.

Jane Sheppard, local resident, made the following points:

1. The CEO of UKOG stated that to be commercially viable, wells would need to be drilled back to back across the weald basin. This contradicts Reigate and Banstead's Mineral Waste policy not to industrialise rural nature of the county. It also goes against the Paris Climate Change Agreement to reduce the use of fossil fuels.
2. The site is on a major fault line, with high risk of tremors, earthquakes and building subsidence if acid, water and sand are injected at high pressure into unstable rock.
3. Major international airport in the vicinity. Questioned whether the Council had requested a geological survey of the whole area.
4. The aquifers at Horse Hill are within the Lower Thames drinking water safeguarding zone.

Gareth Wilson, the Applicant's agent made the following points:

1. The Government policy and National Planning Policy Framework make it clear that minerals, including hydrocarbons are essential to sustain economic growth and quality of life. As such, government expects local Planning Authorities to give great weight to the economic benefit when considering applications for hydrocarbon extraction.
2. This application is for conventional hydrocarbon production only.
3. A rigorous Environmental Impact Assessment has been undertaken.
4. Site has been carefully selected to minimise adverse impact to the environment, surrounded by woodland in a sparsely populated area in a low flood risk zone and outside of the groundwater protection zone.

Matt Cartwright, Chief Operating Officer/ applicant, UKOG.

1. Drilling in 2014 was carried out with full regulatory compliance. This recorded a record level oil flow rate and it is considered to be of National importance.
2. Will resume community liaison groups as previously. Viewing platform will be installed for residents who wish to see the process.
3. Noise and light impact will be mitigated by tree cover and noise will be monitored.
4. Traffic onto and off site will be reduced to a minimum.
5. Environment Agency has approved the permits for full Horse Hill work plan.

Stephen Sanderson, Executive Chairman/ applicant, UKOG.

1. UKOG has adopted industry leading safe and sound practices with oil regulators and will adhere to the same policies and ethos whilst operating at Horse Hill.
2. We have agreed to use non-toxic biodegradable drilling fluids to ensure safe standards of drinking water are maintained.
3. No statutory consultees have objected to the application.
4. The appraisal of Horse Hill is of national economic importance and government expects Local Planning Authorities to give great weight to the benefit of such developments.

Key points made during the discussion:

1. The officer introduced the report and update sheet.
2. 650 letters received on the application, including approximately 300 in support.
3. The Highway Authority require a traffic management plan and have recommended that contingency measures around protest activity having an impact on traffic should also be included within the traffic management plan.
4. The Chairman moved the recommendation to permit. There were eight votes for, with two abstentions. Therefore the recommendation was carried.

RESOLVED

That application RE16/02556/CON – **HORSE HILL 1 WELL SITE, HORSE HILL, HOOKWOOD, SURREY, RH6 0RB** be **PERMITTED** subject to the planning conditions and informatives set out in the report.

243/17 GU09/P/00482 - ALDERSHOT CAR SPARES, CHAPEL FARM, GUILDFORD ROAD, NORMANDY, GUILDFORD, SURREY GU3 2AU [Item 10]

Officers:

Stephen Jenkins, Deputy Planning Development Manager
 Caroline Smith, Planning Development Manager
 Nancy El-Shatoury, Principal Solicitor

Speakers:

No members of the public registered to speak on this item.

Keith Witham, Local Member registered to speak. As Keith was unable to attend the meeting, he provided a short statement for the Chairman to read out on his behalf.

“Having liaised with the Surrey County Council Planning Case Officer about this for a considerable time, I strongly support the Officer recommendation for refusal of this application. The location is very close, within metres, of residential homes at Chapel Farm, and such a facility at this location would be very detrimental to the residents affected at Chapel Farm. It would have a most adverse effect on the local environment, noise, pollution and I hope the committee will support the recommendation to refuse the application by Aldershot Car Spares for all the reasons as set out in the report”.

The committee unanimously agreed the officer recommendation.

RESOLVED

That application GU09/P/00482- **ALDERSHOT CAR SPARES, CHAPEL FARM, GUILDFORD ROAD, NORMANDY, GUILDFORD, SURREY. GU3 2AU** be **REFUSED** for the reasons set out in the report.

244/17 THE DRAFT COUNTY COUNCIL DEVELOPMENT (REGULATION 3) MONITORING AND ENFORCEMENT PROTOCOL [Item 11]

Officers:

Caroline Smith, Planning Development Manager

RESOLVED

Members **APPROVED** the adoption of the Surrey County Council Development (Regulation 3) Monitoring and Enforcement Protocol.

245/17 THE SURREY CODE OF BEST PRACTICE IN PLANNING PROCEDURES [Item 12]

RESOLVED

The item was deferred.

246/17 DATE OF NEXT MEETING [Item 13]

The next meeting of the Planning & Regulatory Committee will be held on 15 November 2017.

Meeting closed at 1.26 pm

Chairman

Planning & Regulatory Committee 18 October 2017

Item No

7

2

UPDATE SHEET**MINERALS/WASTE MO/2017/0911****DISTRICT(S)** MOLE VALLEY DISTRICT COUNCIL**Land at Bury Hill Wood, off Coldharbour Lane, Holmwood, Surrey RH5 6HN****Details of a Traffic Management Scheme pursuant to Condition 19 of appeal ref: APP/B3600/A/11/2166561 dated 7 August 2015.****CONSULTATIONS AND PUBLICITY*****District Council***

Mole Valley District Council Development Control Committee met on 4 October 2017 where this planning application was tabled and discussed. The Committee resolved to object to the planning application, as consultee, on the following grounds:

- The failure to address issues relating to traffic in Dorking town centre
- The failure to consider the full impact of traffic movements associated with the development on school children in the vicinity
- Question the structural stability of the aluminium trackway and the potential for noise to the surrounding area from the use of such a material
- Traffic movements have not been reduced in the drilling phase
- The passing place is only wide enough for 1 HGV
- Concern raised about what happens when 2 HGVs follow each other
- Question the assumption that the vehicles would travel at a constant speed of 30 mph and that they would not meet cyclists travelling in the opposite direction or that there would be no slower movement traffic e.g cyclists or horses
- There are concerns that there may be no banksmen in the right places if a vehicle turned up unexpectedly
- Does the applicant have permission to use the Cobham MSA

Parish Councils and Interest Groups

Leith Hill Action Group (LHAG) have written a letter dated 11 October raising the following concerns:

The principal concern was the feasibility of getting the required number of HGV movements in the time available during the drilling period without closure of Coldharbour Lane to non-site traffic - what we have referred to as the "workability" of the scheme. A related concern was realistic assessment of driver delay for nonsite traffic. The two are obviously interlinked in that HGV traffic causes delays to public traffic and vice versa.

The new "analysis" of these issues (presented at paragraph 7.23 – 7.35 and drawing 4100 CTMP 15 of the September TMP) relies on absurd assumptions (Note A) and therefore arrives at impossible results. The analysis calculates HGV journey times based on these assumptions. It considers a limited number of ideal scenarios and fails to consider likely scenarios (example at Note 2) which will arise (even in the absence of cyclists, equestrians and pedestrians) and lead to much longer delays.

The absurdity of some of the underlying assumptions in the new “analysis” was pointed out in our consultation response and that fact is referred to in passing in the Officer’s Report; the issue itself, however, is not addressed. Instead these demonstrably erroneous results have been relied upon to support officers’ conclusions that the requisite number of movements can be achieved and delays to non-site traffic will be minimal.

Given the invalidity of the underlying assumptions, it is less important that the results set out in 4100 CTMP 15 clearly contain errors¹. The invalidity of the underlying assumptions cannot be dismissed as trivial; it is these figures that are used to calculate driver delay and transit times, and hence the very workability of the TMP.

A further point: your Committee asked for 3D analysis of the route. The Applicant has supplied pairs of 2D drawings. These do not constitute 3D analysis, for the reasons we set out in our consultation response. The concern here is not just for trees and banks, it is also for the consequences to the pavement of the road and traffic disruption if a low loader should ground on a sharp crest.

In order to get some clarity and avoid endless iterations, we have suggested a meeting with officers and the Applicant. That suggestion has so far been ignored. As things stand, the reliable information required to make an informed decision still does not exist. As a consultee, LHAG has done its best to help in this respect, and will continue in that effort.

For the avoidance of doubt, our object here is not to sabotage anything, but to arrive at a traffic scheme that will allow the development to be carried out to time and with minimum disruption to the public. If that requires closure of Coldharbour Lane throughout the drilling period, your Committee, and the public, must know that before a decision is made.

Additional key issues raised by public

178 further letters of representation have been received since the Officer report was published. Some of these letters are from residents who have previously made representations. Some are from residents who have not. The following comments are issues raised within these representations in addition to comments made and documented within the Officer report:

General

- 1) Object to the proposal
- 2) There should be a Members site visit
- 3) Driving away the very people who bring prosperity to the area.
- 4) The proposal is unrealistic and dangerous.
- 5) There is already Japanese Knotweed there which will likely end up all over the town.
- 6) Europa has made no effort at all to educate the populace about their plan.
- 7) Concerns over the planning application has unlawfully been rush through MVDC.

Support

- 8) The Oil & Gas Authority implements amongst the most stringent conditions for oil & gas companies to operate in the word. I have every faith in their ability to ensure safe.

Trees and Tree Preservation Order

- 9) As 20 trees have TPO status it will be a contradiction to allow large vehicles along this sunken lane where there is no room for another vehicle to pass
- 10) There are no details about protecting the trees.
- 11) Vulnerable trees close to its edge could be easily damaged.

Lawful right to protest

- 12) The CTMP does not consider the impact from lawful, democratic protest - the applicant must act responsibly.

Consultation period

- 13) The 14 day consultation period is woefully short.
- 14) No regard for local democratic processes

Area of Outstanding Beauty

- 15) The site is within the AONB.
- 16) The proposal will permanently damage the AONB
- 17) Leith Hill is a historical and cultural landmark

Environmental Impact Assessment

- 18) There is no EIA for the CTMP

Access to the site

- 19) The site is accessed by sunken lanes - how will the CTMP protect the banks of the sunken lane.
- 20) The lane is unsuitable for Heavy Vehicles/ Coldharbour Lane is not wide enough
- 21) Coldharbour Lane will effectively be closed to non-site traffic for the duration of the development.
- 22) It says there will be 48 hours to notify SCC of any damage to road surfaces. This is too long.
- 23) The knock on effect on alternative routes will be chaotic and expensive.
- 24) How will other small lanes cope with extra traffic?
- 25) The sunken lanes will be trashed.
- 26) Coldharbour Lane will become dangerous, muddy and are wholly inadequate for this traffic load.

Lorries

- 27) There will be hundreds of lorries
- 28) The lorries bringing in equipment have shown damage to the lane. Dread to think what 1000+ lorries will do
- 29) 1000+ number of movements is unimaginable
- 30) The lorries will not be able to travel at 25mph but more likely 10mph
- 31) The lorries will not be able to travel at a consistent 30mph
- 32) The whole area will be affected by the heavy traffic involving HGVs and tankers.

CTMP

- 33) Concern the CTMP would allow HGV movements through Dorking during rush hour and school arrival/ leaving times
- 34) There should be 3D survey to give a physical size of Coldharbour Lane
- 35) The driver delay assessment is simplistic based on absurd assumptions
- 36) Ask for heavier penalties to drivers who damage the road and banks
- 37) If the CTMP changes the nature of the lane through removal of foliage then it should not be permitted
- 38) The document does not give confidence to the community of a smooth running/ Inadequate and concerning TMP.
- 39) How much notice will be given to residents of Knoll Road & Coldharbour Lane of the suspension of parking bays?
- 40) Saying SCC endorse the use of aluminium trackway lacks credibility
- 41) If aluminium trackway proves unworkable then a new CTMP will need to be submitted for stone

- 42) It is unacceptable to close the road for 6 days to move the rig.
- 43) The mitigations offered provide scant tangible benefits, suggested changes to the frequency of vehicle movement.

Residents

- 44) The impact of those living on the route will be unacceptable
- 45) There has been no engagement with the community by the applicant
- 46) People won't have access or will have delayed or reduced access to emergency services
- 47) Coldharbour Lane has been closed on numerous occasions for filming and bike races and closed with banksmen operating the road closures. We have had to wait 20 minutes
- 48) It will totally inconvenience those of use who work and live in the area
- 49) The proposal will adversely affect my business
- 50) Public transport will be affected with the additional traffic on the road
- 51) Traffic will cause unnecessary stress

Dorking

- 52) The existing levels of traffic in Dorking are too high for this proposal
- 53) Concern about the air quality in Dorking from the additional lorries

Knoll Road

- 54) It is inappropriate to use Knoll Road
- 55) Knoll Road will experience heavy traffic, noise, air pollution and damage from the proposal
- 56) Knoll Road is used as a 'rat run'

Pedestrians, cyclists and equestrians

- 57) There will be a risk to pedestrians
- 58) The report does not take into account the number of cyclists on weekdays
- 59) There will be a risk to equestrians

The drilling

- 60) The drilling will cause serious impact
- 61) The proposal will damage aquifers
- 62) The decision to frack will affect the countryside
- 63) We are generating more energy from renewables
- 64) Uncertain whether oil extraction by acidification can ever be economically viable.

Wildlife

- 65) Little regard for the local flora and fauna

In addition to the letters of representation, 12 types of proforma letter have been received.

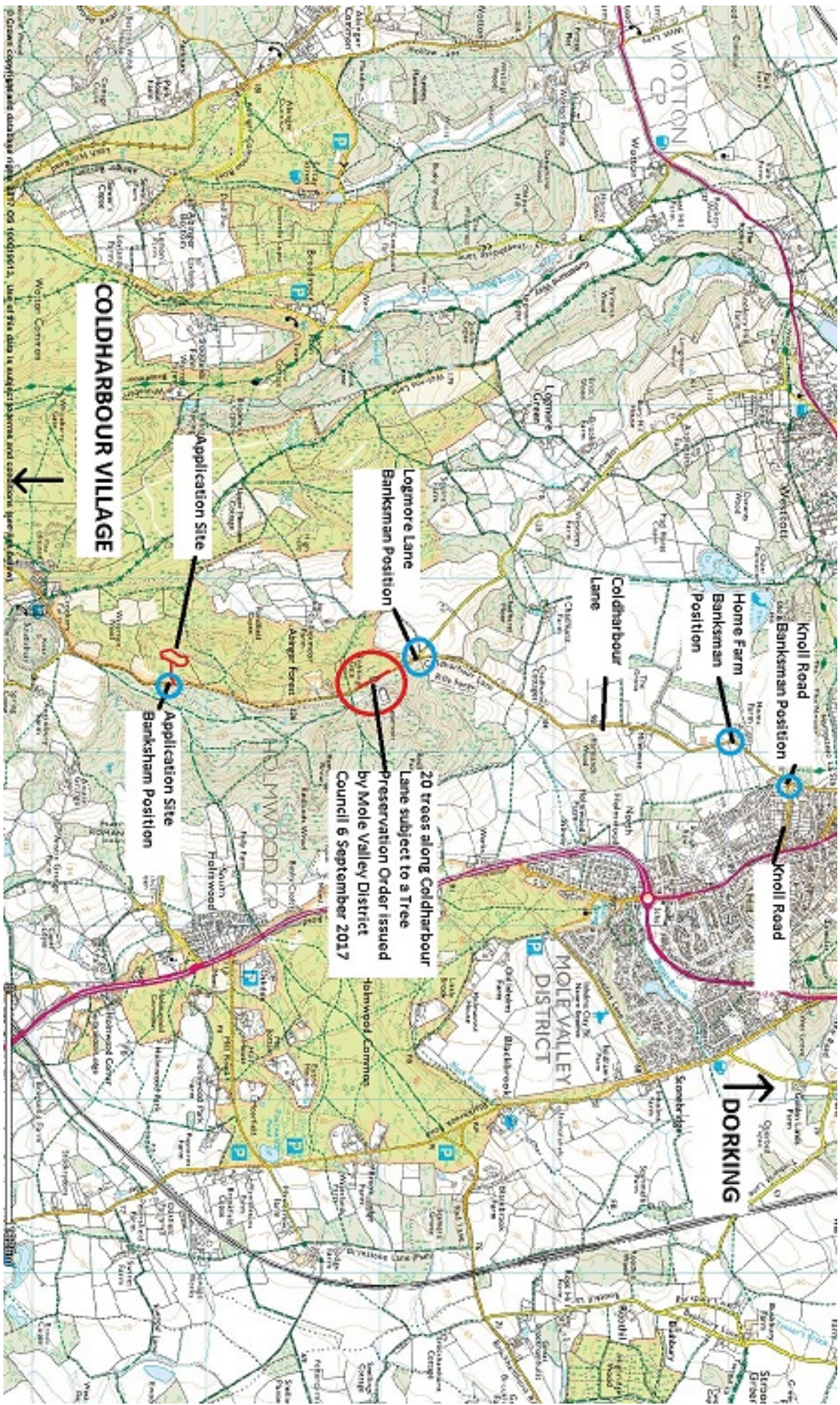
Lack of consultation

Of the further comments received, 3 of those have stated that the consultation on the amendments is inadequate/ too short. The following provides information on this:

- An amended CTMP was submitted with a revised plan on 21 September and this went out for re-consultation and re-notification of the public on 22 September with a deadline for responses on the re-consultation and re-notification on 6 October. This is a period of 14 days.
- There is no date set out within the Development Management Procedure Order 2015 or the NPPG as to how long a further consultation should take place. The best practice

approach adopted by the County Planning Authority for all planning applications is to re-consult and re-notify for a period of 14 days.

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ANNEX B

Planning & Regulatory Committee 18 October 2017

Item No 8

2

UPDATE SHEET**MINERALS/WASTE MO/2016/1563****DISTRICT(S)** MOLE VALLEY DISTRICT COUNCIL**Land at Bury Hill Wood, Coldharbour Lane, Holmwood, Surrey RH5 6HN**

The installation of perimeter security fencing consisting of 2 metre (m) high Heras fencing and 3m high deer fencing; an office and wc at the site entrance; and office, welfare accommodation, water fuel and a generator, all ancillary to and in association with appeal decision APP/B3600/A/11/2166561 dated 7 August 2015.

CONSULTATIONS AND PUBLICITY***District Council***

Mole Valley District Council Development Control Committee met on 4 October 2017 where this planning application was tabled and discussed. The Committee resolved to raise no objection to the proposal.

Additional key issues raised by public

Two further letters of representation have been received following the publication of the Officer's report objecting to the proposal.

RECOMMENDATION

Condition 3 should be amended to say the following:

The Development shall not be implemented unless and until written confirmation has been submitted to the County Planning Authority of the commencement of the hydrocarbon development permitted under Appeal Decision ref: APP/B3600/A/11/21665

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ANNEX C

Planning & Regulatory Committee 18 October 2017

Item No 9

2

UPDATE SHEET

MINERALS/WASTE RE16/02556/CON

DISTRICT(S) REIGATE & BANSTEAD BOROUGH COUNCIL

Horse Hill 1 Well Site, Horse Hill, Hookwood, Horley, Surrey RH6 0RB

The retention of the existing exploratory well site and vehicular access onto Horse Hill; the appraisal and further flow testing of the existing borehole (Horse Hill-1) for hydrocarbons, including the drilling of a (deviated) sidetrack well and flow testing for hydrocarbons; installation of a second well cellar and drilling a second (deviated) borehole (Horse Hill-2) and flow testing for hydrocarbons; erection of security fencing on an extended site area; modifications to the internal access track; installation of plant, cabins and equipment, all on some 2.08ha, for a temporary period of three years, with restoration to agriculture and woodland.

The title to the officer report should be amended and now read:

MINERALS/WASTE RE16/02556/CON

CONSULTATIONS AND PUBLICITY

Summary of publicity undertaken and key issues raised by public

For paragraph 86 of the officer report, two additional letters of representation have been received and one member of the public has written again. The total figure of representations should now read 650.

Officer Comment

No new relevant planning issues to the development proposal have been raised.

RECOMMENDATION

The following conditions should replace those in the Officer report:

Condition 2 (Noise) currently reads with errors:

Prior to the commencement of the development hereby permitted, a scheme of noise mitigation shall be submitted to and approved in writing by the County Planning Authority. The mitigation measures will ensure that the noise levels set out in Conditions ~~18 and 19~~ are met. Mitigation shall be put in place prior to any operations taking place and shall be retained and maintained for the duration of the works.

Condition 2 (Noise) should read:

Prior to the commencement of the development hereby permitted, a scheme of noise mitigation shall be submitted to and approved in writing by the County Planning Authority. The mitigation measures will ensure that the noise levels set out in Conditions 21 and 22 are met. Mitigation shall be put in place prior to any operations taking place and shall be retained and maintained for the duration of the works.

Reason: To ensure the minimum disturbance and avoid nuisance to the locality to comply with the Surrey Minerals Plan Core Strategy Development Plan Document 2011 Policy MC14.

Condition 4 (Lighting) currently reads with errors:

Prior to the commencement of the development hereby permitted, a detailed Lighting Scheme for all lighting proposed for the development shown on 'Illustrative Site Plan Drilling Mode Lighting Plan', Drawing No.13, 'Revised Location of Lights' Dated: 09.02.17, shall be submitted to the County Planning Authority and be approved in writing. The lighting scheme shall include:

- Details of the height and location of all lights including details of all lamps sources confirming lumen output for each lamp type.
- Assessment of the spread and direction for both spill and confirmation of %sky glow of all lighting proposed and methods of any shielding that is deemed necessary to reduce light Spill outside of the site boundary.
- Confirmation of the illumination levels of the work areas including all access ways and general circulation spaces, specified in lux. This shall take the form of a detailed isolux contour plan drawing.
- Vertical illumination levels shall be confirmed where applicable to residential properties that are adjacent to the site. We would suggest this is modelled using software such as Dialux, Relux or Lighting Reality.
- The times when the proposed lighting will be illuminated.
- Confirmation that none of the installed flood lighting luminaires are tilted from horizontal any greater than 15 degrees.
- Confirmation that all rig linear luminaires are installed inward and downward facing.

The lighting shall be installed and operated in accordance with the approved Lighting Scheme. The applicant shall confirm that all lighting required for operations and maintenance will be locally switched and manually operated, on an 'as required' basis, and that the ~~install~~ luminaires over the cabins/stores doors (**assumed**) will be controlled by presence detection with a manual override.

Condition 4 (Lighting) should read:

Prior to the commencement of the development hereby permitted, a detailed Lighting Scheme for all lighting proposed for the development shown on 'Illustrative Site Plan Drilling Mode Lighting Plan', Drawing No.13, 'Revised Location of Lights' Dated: 09.02.17, shall be submitted to the County Planning Authority and be approved in writing. The lighting scheme shall include:

- Details of the height and location of all lights including details of all lamps sources confirming lumen output for each lamp type.
- Assessment of the spread and direction for both spill and confirmation of %sky glow of all lighting proposed and methods of any shielding that is deemed necessary to reduce light Spill outside of the site boundary.
- Confirmation of the illumination levels of the work areas including all access ways and general circulation spaces, specified in lux. This shall take the form of a detailed isolux contour plan drawing.
- Vertical illumination levels shall be confirmed where applicable to residential properties that are adjacent to the site. We would suggest this is modelled using software such as Dialux, Relux or Lighting Reality.
- The times when the proposed lighting will be illuminated.
- Confirmation that none of the installed flood lighting luminaires are tilted from horizontal any greater than 15 degrees.
- Confirmation that all rig linear luminaires are installed inward and downward facing.

ANNEX C

The lighting shall be installed and operated in accordance with the approved Lighting Scheme. The applicant shall confirm that all lighting required for operations and maintenance will be locally switched and manually operated, on an 'as required' basis, and that the luminaires over the cabins/stores doors will be controlled by presence detection with a manual override.

Reason: To ensure the minimum disturbance and avoid nuisance to the locality to comply with the Surrey Minerals Plan Core Strategy Development Plan Document 2011 Policy MC14.

Condition 22 (Noise) currently reads with errors:

For operations other than temporary, including workover, drilling, ~~side drilling~~ and flaring, the noise limit is 48 dB LAeq,30min between 08:00 hours and 18:30 hours Monday to Friday, and between 09:00 hours and 13:00 hours Saturday. At all other times the noise limit is 42 dB LAeq,30min, which is applicable to drilling and associated activities. The noise limit applies 3.5 m from the façade of any affected property.

Condition 22 (Noise) should read:

For operations other than temporary, including workover, drilling, and flaring, the noise limit is 48 dB LAeq,30min between 08:00 hours and 18:30 hours Monday to Friday, and between 09:00 hours and 13:00 hours Saturday. At all other times the noise limit is 42 dB LAeq,30min, which is applicable to drilling and associated activities. The noise limit applies 3.5 m from the façade of any affected property.

Reason: To ensure the minimum disturbance and avoid nuisance to the locality to comply with the Surrey Minerals Plan Core Strategy Development Plan Document 2011 Policy MC14.

Condition 26 (Ecology) currently reads with errors:

A licensed bat worker shall be in attendance to supervise any felling ~~of~~ lopping of mature trees in connection with any works hereby permitted. If any further trees are to be removed or lopped, they will have to be checked for evidence of bats and emergent surveys conducted, if necessary. If bats are found, the works will either need to be timed to avoid harm to the bats or a license obtained from Natural England.

Condition 26 (Ecology) should read:

A licensed bat worker shall be in attendance to supervise any felling or lopping of mature trees in connection with any works hereby permitted. If any further trees are to be removed or lopped, they will have to be checked for evidence of bats and emergent surveys conducted, if necessary. If bats are found, the works will either need to be timed to avoid harm to the bats or a license obtained from Natural England.

Reason: To comply with the requirements of the Habitat Regulations 2010 and to protect species of conservation concern in accordance with the Surrey Minerals Plan Core Strategy Development Plan Document 2011 Policy MC14.

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TO: PLANNING & REGULATORY COMMITTEE **DATE:** 15 November 2017

BY: PLANNING DEVELOPMENT MANAGER

DISTRICT(S) SPELTHORNE BOROUGH COUNCIL **ELECTORAL DIVISION(S):**
Laleham & Shepperton
Mr Walsh
Staines South & Ashford West
Ms Turner-Stewart

PURPOSE: FOR DECISION

GRID REF: 505409 169917

TITLE: MINERALS/WASTE SP12/01132/SCD9

SUMMARY REPORT

Land at Manor Farm, Ashford Road, and Worples Road and land west of Queen Mary Reservoir, Ashford Road, Laleham, Surrey

Detailed landform and planting design proposals for Phase 1 within Manor Farm submitted pursuant to Condition 46 (part discharge of condition) of planning permission ref: SP/2012/01132 dated 23 October 2015.

The Manor Farm and Queen Mary Quarry (QMQ) (land west of Queen Mary Reservoir) site, some 43.9 hectares (ha) in total, is in two parts. It comprises land at Manor Farm (some 33.4 ha), situated to the east of Staines Road (B376) and Worples Road and west of Ashford Road (B377), Laleham; and land at Queen Mary Quarry (QMQ) (including part of the lake and existing processing plant site) to the east of Ashford Road and west of Queen Mary Reservoir, Laleham, Staines upon Thames.

Planning permission ref SP2012/01132 was granted subject to 48 planning conditions in October 2015 for the extraction of sand and gravel from land at Manor Farm, construction of a tunnel under the Ashford Road and a causeway across the lake at QMQ for the conveyor belt system, transport of the extracted mineral by conveyor to QMQ for processing in the existing processing plant, erection of a concrete batching plant and an aggregate bagging plant within the QMQ aggregate processing and stockpiling areas, restoration of the land at Manor Farm to landscaped lakes and a nature conservation afteruse. The land at Manor Farm is to be worked and restored progressively in four phases. Phase 1 is the land to the east of public right of way Footpath 30 which crosses the land at Manor Farm and west of the Ashford Road, Phases 2 to 4 lie to the west of the footpath.

Some of the planning conditions require the submission and approval of more detail/schemes on a range of matters. Eight submissions relating to conditions were submitted and approved in 2016.

This report deals with the detailed landform and planting proposals for the restoration and landscaping of Phase 1 of the site following extraction submitted to comply with the requirements of condition 46 of the planning permission. Similar details are required for Phases 2 to 4 and will be the subject of future submissions.

The views of statutory and non statutory consultees have been sought and no objection has been raised. A resident has objected raising a number of concerns about the restoration proposals for Phase 1. Having assessed the submission and considered the views of consultees and residents Officers consider the details submitted for Phase 1 pursuant to Condition 46 make

appropriate provision for the successful creation of new habitats and enhancement of the existing vegetation within Phase 1. The proposals, together with the restoration and landscape proposals on subsequent phases at the site, offer the opportunity for increased and enhanced biodiversity on the land at Manor Farm and in the surrounding area and meet the objectives and requirements of relevant national and development plan policies.

Ms Turner-Stewart, local member for Staines South & Ashford West, has requested this details pursuant application is reported to committee instead of being determined by officers under delegated powers.

The recommendation is to **APPROVE** the submitted details as part discharge of Condition 46.

APPLICATION DETAILS

Applicant

Brett Aggregates Limited

Date application valid

22 February 2017

Period for Determination

24 May 2017

Amending Documents

Email dated 12 August 2017 from Mike Davies, Davies Planning with revised drawings BRE-MAN-LS-002/1 Rev B Proposed Quarrying and Mineral Extraction Phase 1 Extraction Detailed Restoration Plan Sheet 1 of 2 Date 16 12 08 and BRE-MAN-LS-002/2 Rev B Proposed Quarrying and Mineral Extraction Phase 1 Extraction Detailed Restoration Plan Sheet 2 of 2 Date 16 12 08 and email dated 21 August 2017 from Trevor Furse, Furse Landscape Architects Ltd with revised drawing BRE-MAN-LS-002/3 Phase 1 Extraction Detailed Restoration Section A-A (Indicative Section) & Fencing Date 20 01 17.

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Restoration	Yes	37 to 49

ILLUSTRATIVE MATERIAL

Site Plan

Aerial Photographs

Aerial 1
Aerial 2

Site Photographs

- Figure 1 View across land in Phase 1 extraction area (taken from a point on Footpath 29 (FP29)) at the boundary with the Greenfield Recreation Ground.
- Figure 2 View looking north across land in Phase 1 (taken from a point just off and to the east of FP30).
- Figure 3 View of advance screen planting in January 2014 between Phase 1 and properties on Ashford Road.
- Figure 4 Manor Farm Restoration Detail Plan

BACKGROUND

Site Description

- 1 The Manor Farm and Queen Mary Quarry (QMQ) (land west of Queen Mary Reservoir) site, some 43.9 hectares (ha) in total, is in two parts. It comprises land at Manor Farm (some 33.4 ha), situated to the east of Staines Road (B376) and Worple Road and west of Ashford Road (B377), Laleham; and land at Queen Mary Quarry (QMQ) (including part of the lake and existing processing plant site) to the east of Ashford Road and west of Queen Mary Reservoir, Laleham, Staines upon Thames.

Planning History

- 2 Planning permission ref SP2012/01132¹ was granted subject to 48 planning conditions in October 2015 for the extraction of sand and gravel from land at Manor Farm, construction of a tunnel under the Ashford Road and a causeway across the lake at QMQ for the conveyor belt system, transport of the extracted mineral by conveyor to QMQ for processing in the existing processing plant, erection of a concrete batching plant and an aggregate bagging plant within the QMQ aggregate processing and stockpiling areas, restoration of the land at Manor Farm to landscaped lakes and a nature conservation afteruse.
- 3 Some of the planning conditions require the submission and approval of more detail/schemes on a range of matters. Eight submissions relating to conditions were submitted and approved in 2016 (some applications deal with more than one planning condition), see table below.

Application reference & date of approval	Proposal
SP12/01132/SCD1 11 October 2016	Details of noise barriers for the conveyor switch points submitted pursuant to Conditions 22 and a Bird Hazard Management Plan submitted pursuant to Condition 36.
SP12/01132/SCD2 10 August 2016	Details of archaeology submitted pursuant to Condition 35.
SP12/01132/SCD3 15 November 2016	Details of Dust Action Plan and dust monitoring programme submitted pursuant to Condition 24(a).
SP12/01132/SCD4 10 August 2016	Details of a scheme to ensure that the causeway does not form a barrier on the flood plain submitted pursuant to Condition 28.
SP12/01132/SCD5 7 October 2016	Details of measures to be taken and facilities to be provided to keep the public highway clean and prevent creation of a dangerous surface submitted pursuant to Condition 12(a), a

¹The planning permission decision notice is available to view online here: [Surrey County Council online planning register](#)- search using "Our reference" and 2012/0061 or "Application number:" and SP2012/01132 for the Manor Farm planning permission.

Application reference & date of approval	Proposal
	Construction Management Plan submitted pursuant to Condition 15 and an updated bat survey and biodiversity mitigation strategy submitted pursuant to Condition 38.
SP12/01132/SCD6 7 October 2016	Details of the current and proposed design of the Worple Road access; tree and hedgerow removal, protection measures and replanting submitted pursuant to Condition 8(b)(i).
SP12/01132/SCD7 11 October 2016	Details of a Groundwater Monitoring Plan submitted pursuant to Condition 32.
SP12/01132/SCD8 7 October 2016	Details of the design of the temporary Ashford Road access submitted pursuant to Condition 8 (a) and vegetation survey and tree and hedgerow protection plan submitted pursuant to Condition 47.

- 4 The land at Manor Farm is to be worked and restored progressively in four phases. Phase 1 is the land to the east of the footpath (Footpath 30) which crosses the land at Manor Farm and west of the Ashford Road; see Site Plan and Figures 1 and 2. Phases 2 to 4 lie to the west of footpath 30. Footpath 29 (FP29) runs to the north of Phase 1 between FP30 and the Ashford Road to the east.
- 5 All mineral extracted from the site will be transported by conveyor belt to the Queen Mary Quarry (QMQ) processing plant. Processed mineral will leave QMQ via the quarry access onto the A308 (Kingston Road). Vehicle access to the land at Manor Farm will be via two accesses, one off Worple Road (existing agricultural access upgraded) and one off the Ashford Road (new temporary access). These accesses would be used by people working at the site and for delivery and removal of plant and machinery for use in connection with the mineral extraction and restoration at Manor Farm.
- 6 Restoration of the land at Manor Farm is to provide an area for nature conservation use, see Figure 4 Restoration Detail plan. The restored site will comprise open waterbodies with shallow wetland and marsh areas, with associated reed beds and marginal planting with willow scrub and tree and hedgerow planting within the remainder of the site. Two smaller waterbodies are to be created to the east of FP30 footpath on Phase 1 and one larger waterbody with two islands on the area to the west of the footpath. During extraction and restoration and post restoration public access across the land at Manor Farm will remain as exists at present along FP30 which runs through the centre of the site and along FP29 which runs along the northern part of Phase 1. The restored site would be subject to a 25 year Landscape and Ecological Management Plan (LEMP) which has been approved pursuant to the requirements of the Section 106 Legal Agreement entered into in connection with the SP2012/01132 planning permission.
- 7 In the interests of reducing the potential risk of birdstrike from wildfowl using the waterbodies the lakes, islands, and water margin areas are to be designed and planted with plant species to prevent colonisation and use of the lakes by bird species that are considered a birdstrike risk to aircraft. In the interests of public safety public access to the waterbodies will also be restricted by fencing and strategic planting. Restricting public access will also discourage feeding of birds (feeding of birds encourages birds that present a risk to aircraft to use the site).
- 8 The applicant proposes to create a conservation study area, secured by a 2.1m high green palisade fence, including a small pond with marginal species, and planting of a variety of native tree and shrub species, on land south of FP30 adjacent to Buckland Primary School. The creation of the study area would be subject to the agreement of the school Governors and is proposed to facilitate safe, outdoor study and encourage

improved biodiversity. In addition to the study area there would be the potential to create controlled supervised access for pupils to other areas of the restored site.

THE PROPOSAL

- 9 Condition 46 of the SP2012/01132 planning permission and the reason for the condition read:

Prior to the extraction of each of the phases of working within Manor Farm, detailed landform and planting design proposals shall be submitted to and approved in writing by the County Planning Authority.

Reason: In order to achieve a high standard of restoration, and protect the local environment and amenity, in accordance with Policies MC14, MC17 and MC18 of the Surrey Minerals Plan 2011.

- 10 Following extraction of the sand and gravel the land in Phase 1 is to be restored to nature conservation use comprising two lakes with marginal water edge planting, reed beds and areas of scrub planting and tree planting. A conservation study area for use by Buckland School² would be formed in the north western part of Phase 1. The applicant has submitted details of the lake edge profiles and levels on the surrounding land and planting design details for the different habitats to be created on Phase 1. The planting details include plant species, plant sizes and numbers, and seed mixes to be used to create the different habitats within Phase 1.

Landform design

- 11 The land in Phase 1 would comprise two waterbodies and surrounding land, with an additional small water body in the north western part. Subject to agreement being reached between the operator and Buckland School this small waterbody would form part of a conservation study area for use by the school.
- 12 The submission includes details of the landform at the edge of the two waterbodies and lake edges. The restoration after use is to nature conservation. Around the edges of the waterbodies planting would be carried out to create reed bed habitat and areas of marginal planting elsewhere to stabilise the embankments and provide lake edge habitat suitable for small birds. Where reed bed planting is proposed the lake edges would be formed to provide slopes suitable for the establishment of reed beds along the water edge. The maximum water level on completion of extraction and earthworks is expected to be some 12.00m Above Ordnance Datum (AOD). The water level in the waterbodies would fluctuate over time depending on the time of year and groundwater levels. Where reed beds are proposed the landform around the lake edge would be formed to provide a shallow slope and a water edge area planted to form reed beds where water levels would fluctuate ranging from around 300mm to a maximum of 1 metre depth of water. Within the lakes beyond the extent of the reed beds and elsewhere around the lake edges the land would fall/drop away more steeply to the excavated depth of 8mAOD.
- 13 On completion of the final earthworks to form the lake edge margins the surfaces would be prepared for planting.

Planting

² The final arrangements over provision and use of the conservation study area are to be subject to separate discussion and agreement between the mineral operator, Brett Aggregates Ltd, and the school.

- 14 The planting and landscape design for the restoration of Phase 1 proposes a mix of habitats. Around the lake edges the areas would be planted to create reed bed and marginal³ planting areas. A 1.2 metre high chestnut pale fence would be erected at the land edge of the reed beds to prevent access during the establishment period.
- 15 Beyond the lake edge planted areas the remaining areas would be planted with low shrub mix, blocks of new tree planting between the two lakes and around the conservation study area. These, together with existing tree and shrub vegetation, would form a dense shrub and tree boundary zones to inhibit public access. Hedgerows would be planted with native species adjacent to FP29 and FP30. Once established the hedgerows would reinforce the low shrub mix and fencing and act as deterrents to public access to the waterbodies. The submission includes details of the proposed planting including species, density, plant stock, sizes and handling and planting methods for each area and type of planting⁴.
- 16 The existing stock proof boundary fencing would be reinforced with the addition of barbed wire on the field (site) side of the fence, hexagonal rabbit proof netting and 1.8m high Cleft Chestnut Fencing attached to the stock proof fencing.
- 17 As proposed in the restoration detail plan approved when planning permission was granted all Leylandii and Poplar trees in the block of advance screen planting between Phase 1 and the properties along Ashford Road would be removed during the first year and replaced with low shrub mix⁵. Leylandii and Poplar species would be removed on a phased basis from other areas of existing planting.
- 18 The submission relates to Phase 1 only. Further submissions of details of the landform and planting for phases 2, 3 and 4 are required to be submitted for approval pursuant to Condition 46 prior to commencement of extraction on each phase.

CONSULTATIONS AND PUBLICITY

District Council

- 19 Spelthorne Borough Council: No objection.

Consultees (Statutory and Non-Statutory)

- 20 Heathrow Airport Safeguarding: No objection.
- 21 Ecologist: No objection.
- 22 Landscape Architect: No objection.
- 23 Enhancement Officer: No objection.

Parish/Town Council and Amenity Groups

- 24 Clag2: No views received.

³ Marginal plants are those which grow or thrive in wetlands, bogs or shallow water such as the edges of ponds, lakes and streams.

⁴ The detailed proposals are shown on drawing refs BRE-MAN-LS-002/1 Rev B Phase 1 Extraction Sheet 1 of 2, BRE-MAN-LS-002/2 Rev B Phase 1 Extraction Sheet 2 of 2, and BRE-MAN-LS-002/3 Rev B Phase 1 Extraction Detailed Restoration Section A-A (Indicative Section) & Fencing which will be on display at the meeting. The drawings are also available to view online via the following link <http://planning.surreycc.gov.uk/planappsearch.aspx> by entering SCC Ref 2017/0012 in the "our reference" search field.

⁵ This had been proposed as part of the original planning application proposals in response to comments from residents to the applicant following pre application public consultation with the local community. Residents living in properties backing onto the land in Phase 1 at Manor Farm wanted to have the views across the land at Manor Farm unobstructed by taller vegetation.

- 25 Laleham Residents' Association: No views received.
- 26 Manor Farm Eastern Boundary Residents' Association: No Objection.
- 27 Manor Farm Residents Association: No views received.
- 28 Spelthorne Natural History Society: No views received.

Summary of publicity undertaken and key issues raised by public

- 29 The application was publicised by the posting of 9 site notices and notifying directly by letter a total of 51 owner/occupiers of neighbouring properties and those people who had made representations on previous applications for approval of details required by planning conditions.
- 30 To date eight representations have been received, including from Buckland School, all objecting or raising concern about the Manor Farm mineral extraction development permitted by SP2012/01132.
- 31 One representation raises issues relating to the details submitted for Phase 1 pursuant to Condition 46. They object to the submission as the sloped banks of the lake edges differ from what they understood which was that there would be no public access to the lakes as the sides would go straight down to prevent wildfowl from nesting. They question the need for the study area for the school as there is already a nature area at the school and they understood the new area already been agreed with the school which now seems not to be the case. And how long would the applicant, Brett, manage the area? These matters are considered in the report.
- 32 The seven other representations raise points including objection to the development permitted under SP2012/01132, need for the development and potential impact of the development on local residents and Buckland School in terms of noise, dust and impact on air quality from traffic emissions, access and traffic, impact on local wildlife, design of the Worple Road and Ashford Road accesses, flood risk, the restoration to nature conservation after use and increase in waterbodies in the local area, public safety and visual impact.

Officer comment: These matters were all assessed and considered in the officer report on the SP2012/01132 planning application see Item 7 of the [2 September 2015 Planning and Regulatory Committee Agenda](#) (officer report, Annexes A to F and update sheet). At that meeting the committee resolved to grant planning permission subject to the prior completion of a s106 legal agreement and planning conditions. None of these other points raised are considered to be relevant to and impact on the County Planning Authority's determination of this application for approval of details pursuant to Condition 46.

Request by local member for application to be determined by the Planning and Regulatory Committee

- 33 Due to the concerns raised by Buckland School and residents about the Manor Farm development, and to give residents the opportunity to address the committee, Ms Turner-Stewart, local member for Staines South & Ashford West, has requested this details pursuant application is reported to committee instead of being determined by officers under delegated powers⁶.

⁶ Under the Council's Constitution (see [Constitution of the Council of 10 October 2017 \(Section 3, Part 3A Specific Delegation to Officers\)](#)) all details pursuant applications are delegated to officers irrespective of the number of objections unless a request has been made by a local member or a member of the Planning and Regulatory Committee for the application to be determined by committee.

PLANNING CONSIDERATIONS

Introduction

- 34 The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
- 35 In this case the statutory development plan for consideration of the application consists of the Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD) and Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SBCS&P DPD 2009).
- 36 This application has been submitted to comply with the requirements of Condition 46 of planning permission SP2012/01132 for Phase 1. In considering this application the acceptability of the submitted details will be assessed against relevant development plan policies and material considerations relevant to the subject of the application. The key issue is whether the detailed landform and planting proposals which build on the proposals outlined in development granted planning permission are acceptable.

Surrey Minerals Plan 2011 Core Strategy Development Plan Documents (DPD) (SMP 2011 Core Strategy DPD)

Policy MC14 Reducing the adverse impacts of mineral development

Policy MC17 Restoring mineral workings

Policy MC18 Restoration and enhancement

Spelthorne Borough Core Strategy and Policies Development Plan Document February 2009 (SB Core Strategy and Policies DPD 2009)

Policy SP6 Maintaining and Improving the Environment

Policy EN8 Protecting and Improving Landscape and Biodiversity

- 37 [Section 11 Conserving and enhancing the natural environment](#) of the NPPF states in paragraph 109 that the planning system should contribute to and enhance the natural and local environment by (amongst other matters) “*minimising the impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including establishing coherent, ecological networks that are more resilient to current and future pressures*”. Paragraph 118 states that in determining planning applications local planning authorities “*should aim to conserve and enhance biodiversity*” by following various principles including encouraging opportunities to incorporate biodiversity in and around developments.
- 38 SMP 2011 Core Strategy DPD Policy MC14 states that proposals for mineral working will only be permitted where a need has been demonstrated and sufficient information has been submitted to enable the authority to be satisfied that there would be no significant adverse impacts arising from the development and sets out issues to be addressed in planning applications. Issues relevant to the details required by condition 46 are: the appearance, quality and character of the landscape and any features that contribute to its distinctiveness; the natural environment, biodiversity and geological conservation interests; public open space, the rights of way network, and outdoor recreation facilities; and the need to manage the risk of birds striking aircraft.
-

- 39 SMP 2011 Core Strategy DPD Policy MC17 requires mineral working proposals to provide for restoration and post restoration management to a high standard. Sites should be progressively restored or restored at the earliest opportunity with the restoration sympathetic to the character and setting of the wider area and capable of sustaining an appropriate after-use. A key objective is for enhancement as well as restoration and through Policy MC18 the county council will work with operators and landowners to deliver benefits including enhancement of biodiversity interests at the site and, where appropriate, as part of a wider area enhancement approach.
- 40 Objectives of the SB Core Strategy and Policies DPD 2009 include “*to protect and improve the quality of the environment, including improving the landscape, promoting biodiversity and safeguarding the Borough’s cultural heritage*” through policies including Strategic Policy SP6 Maintaining and Improving the Environment and Policy EN8 Protecting and Improving the Landscape and Biodiversity. These policies seek to protect and improve the landscape and biodiversity and cultural heritage of the borough through amongst other matters:
- working with others to develop and secure the implementation of projects to enhance the landscape and create or improve habitats of nature conservation value;
 - wherever possible ensure that new development contributes to an improvement in landscape and biodiversity and also avoids harm to features of conservation interests.
- 41 No new planning issues are raised by the submitted details for condition 46. As set out in paragraph 31 a resident has questioned whether the restoration proposals have changed by proposing shallower slopes around the lakes. The principles behind the landform and planting design have not changed and the submitted details for Phase 1 provide for the creation of a landform around the lake edges and planting proposals for the creation of new habitats for the nature conservation afteruse. This includes a study area for use by the school. The arrangements for this are still to be made between the applicant and the school and are not a matter to be addressed through the details for Condition 46. Nor do they need to be in place before the details required by Condition 46 are determined. There is an existing nature area within the school grounds. Provision of a conservation study area as part of the restoration of the Manor Farm development would provide an additional facility for use by the school.
- 42 The submitted proposals are in accordance with the principles and objectives for the restoration of Manor Farm set out in the original planning application, see Figure 4. These include:
- the need to consider birdstrike potential
 - habitat creation within the restored site designed to increase the biodiversity of the area including habitats listed in the UK Biodiversity Action Plan (UKBAP) and the Surrey BAP
 - creation of areas of standing open water and habitat to attract smaller waterfowl
 - a planting scheme to encourage habitat development and secure the banks of the waterbodies

In addition there are proposals for removal of Leylandii and Poplar trees from the existing more established hedgerows and tree belts at the site and the advance screen planting areas which were planted in 2008/09. On completion of extraction and restoration in Phase 1 the advanced screen planting areas around Phase 1 will have served their purpose and the trees can be removed. This would enable neighbouring properties which back onto the land in Phase 1 to have views over the land beyond their property boundaries again.

- 43 On completion of restoration and landscaping Phase 1 would be subject to a 25 year management programme (five year aftercare scheme followed by a further 20 years of management) in accordance with the approved Landscape and Ecological Management

Plan for the site. After this formal period of management responsibility for management would lie with the landowner and arrangements they put in place. The management of the site includes implementation of the approved bird hazard management plan⁷ (BHMP) for the site which would continue to apply after the formal 25 year management period.

- 44 The submission includes details of fencing to supplement the planting and act as a deterrent to access onto the restored site. Concerns were raised by the Landscape Architect about use of barbed wire on fences adjacent to public footpaths. These were addressed and amendments made to the submitted details. Barbed wire on the fencing adjacent to the two public footpaths, and around the proposed study area, would be placed on the non public site/field side of the fence so people and animals using the footpath and study area would not injure themselves should they accidentally fall against or touch the fencing.
- 45 No objection has been raised by the County Ecologist and County Landscape Architect to the submitted details. The statutory consultee in relation to bird strike, Heathrow Airport Ltd has raised no objection to the submitted details.
- 46 The County Enhancement Officer made comments relating species mix for the shrub planting, planting densities and protective fencing for the reed bed planting and the landform design for the slope of the lake edges. For biodiversity reasons and to assist in the success of the restoration design he recommended a less flat slope around the lake edges where reed bed habitat is to be created. He advised that for successful habitat creation involving very shallow falls the levels have to be very precise and require water levels to return as shown on the submitted drawings. Experience with similar restoration proposals elsewhere in Surrey has shown this is often not the case and the Enhancement Officer recommended a slightly steeper fall for the proposed reed bed areas. The submission was revised to address the issues raised. No objection is raised by the Enhancement Officer who considers the amended profile and planting details should lead to the successful delivery of an effective restoration.
- 47 The applicant has confirmed the commitment given to residents whose properties back onto the land at Manor Farm that the tree in the advance planting area will be removed in the first year following extraction and restoration in Phase 1 and no objection is raised by the Manor Farm Eastern Boundary Residents Association (RA). The RA has raised a concern about the current height of the vegetation in the advance screen planting area between properties on the Ashford Road and Phase 1, see Figure 3. This area was planted in 2008/2009 and has established and will provide screening⁸ and mitigate the visual impact of the extraction and restoration operations within Phase 1. The RA would like the height of the trees in the area to be managed as the trees are fast growing and have reached a height which the residents feel dominate the view from properties, as illustrated in the photographs below taken in 2009 and 2017 and provided by the RA. The advance screen planting is required to remain in place until completion of extraction and restoration within Phase 1.

Outlook from rear garden 2009:

⁷ Required by Condition 36 and approved under reference SP12/01132/SCD1 in October 2016.

⁸ There would be views from upper floors of buildings.



Outlook from rear garden 2017:



- 48 The management of the height of the screen planting falls outside the scope of the consideration of the submitted details subject of this report. Management of the height of vegetation to the rear of the properties is a matter for discussion between the applicant (and landowner of the land at Manor Farm), Brett Aggregates Limited, and adjoining property owners. A community liaison group (CLG) is being set up for the Manor Farm site which the Manor Farm Eastern Boundary RA will be involved in. Management of the height of the planting is an issue which could be discussed through the CLG.
- 49 The submission has been amended to address issues raised by consultees and no objection has been raised by consultees. Officers consider the detailed design and planting proposals for Phase 1 meet the requirements of the condition and make appropriate provision for the successful creation of new habitats and enhancement of the existing vegetation within Phase 1. The proposals, together with the restoration and landscape proposals on subsequent phases at the site, offer the opportunity for

increased and enhanced biodiversity on the land at Manor Farm and in the surrounding area and meet the objectives and requirements of relevant national and development plan policies.

HUMAN RIGHTS IMPLICATIONS

- 50 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 51 The proposal in this application involves the approval of details for Phase 1 pursuant to condition 46 of planning permission ref SP2012/01132 dated 23 October 2015. It is the Officer's view that the matter covered by the submission and implementation does not give rise to any potential impacts and therefore would not engage Article 1 of Protocol 1. As such the details are not considered to interfere with any Convention right.

CONCLUSION

- 52 Having considered the submitted details, comments received from consultees and raised by residents Officers consider that the details submitted pursuant to Condition 46 in respect of Phase 1 of the development are acceptable and comply with the relevant national planning policy and development plan policies listed above such that the details for Phase 1 can be approved.

RECOMMENDATION

The recommendation is that the detailed landform and planting design proposals for Phase 1 within Manor Farm submitted pursuant to Condition 46 (part discharge of condition) of planning permission ref SP2012/01132 dated 23 October 2015 contained in application ref SP12/01132/SCD9 be **APPROVED**.

Informatives:

1. The Manor Farm site is to be worked in four phases as shown on approved drawing PA5 Phasing Plan March 2012. The details approved under ref SP12/01132/SCD9 relate to Phase 1 of the mineral extraction development only. The operator is reminded that Condition 46 requires details of detailed landform and planting design details to be submitted and approved for Phases 2, 3 and 4 prior commencement of extraction in those phases.
2. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its accompanying technical guidance and providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues; and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on landscape, ecology and visual impact and public rights of way and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework 2012.

CONTACT

Susan Waters

TEL. NO.

020 8541 9227

BACKGROUND PAPERS

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

Government Guidance

[National Planning Policy Framework 2012](#)

[Planning Practice Guidance](#)

The Development Plan

[Surrey Minerals Plan Core Strategy Development Plan Document \(DPD\) 2011](#)

[Spelthorne Borough Council Core Strategy and Policies DPD February 2009](#)

Other Documents

- The deposited application documents and plans and Environmental Statement including those amending or clarifying the proposal, responses to consultations and representations received on the application included in the application file for application ref SP2012/01132.

-The officer report and annexes to the 2 September 2015 Planning and Regulatory Committee (Item 7) for application ref SP2012/01132 ([2 September 2015 Planning and Regulatory Committee Agenda](#))

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<p style="text-align: center;">Site Location</p> <p>Scale 1:155,586</p> <p>© Crown copyright. All rights reserved Surrey County Council, 100019613, 2017</p>	<p>Land at Manor Farm, Ashford Road, and Worples Road and land west of Queen Mary Reservoir, Ashford Road, Laleham, Surrey</p> <p>Detailed landform and planting design proposals for Phase 1 within Manor Farm submitted pursuant to Condition 46 (part discharge of condition) of planning permission ref: SP/2012/01132 dated 23 October 2015.</p> <p>Application No(s): SP12/01132/SCD9</p> <p>Electoral Division(s): Laleham & Shepperton, 42785</p>
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This plan is for indicative purposes only

Queen Mary Quarry

Footpath 30

SP2012/01132 Planning Permission boundary

Manor Farm

Footpath 29

Application Site Area (Phase 1)

<p>GRID NORTH</p>	<p>Ref No: SCC REF 2017/0012</p> <p>Date printed: 07/08/2017</p>	<p>0 60 120 240 360 480 600 720 840 Metres</p>	<p>Scale</p> <p>1:11,600</p>
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2012-13 Aerial Photos

Aerial 1 : Manor Farm



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All boundaries are approximate

2012-13 Aerial Photos

Aerial 2 : Manor Farm



SP12/01132 planning permission boundary

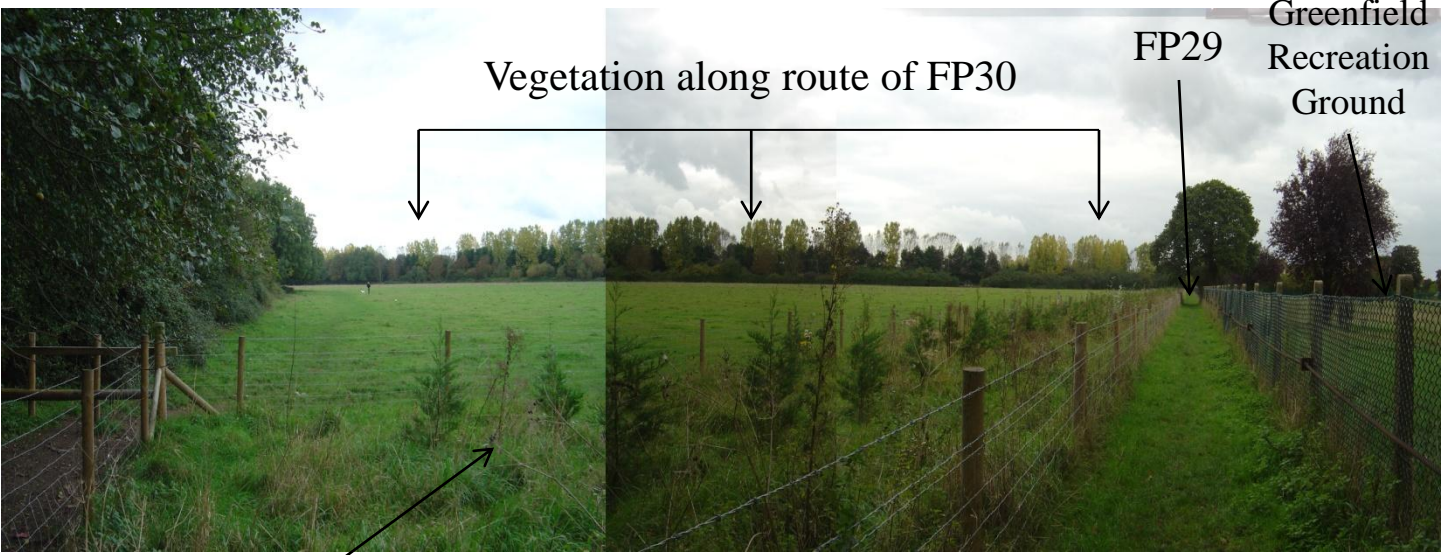
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PHASE
1



All boundaries are approximate

Figure 1 : View across land in Phase 1 extraction area (taken from a point on Footpath 29 (FP29) at the boundary with the Greenfield Recreation Ground



Advance screen planting (in October 2010)

Figure 2 : View looking north across land in Phase 1
(taken from a point just off to the east of FP30)

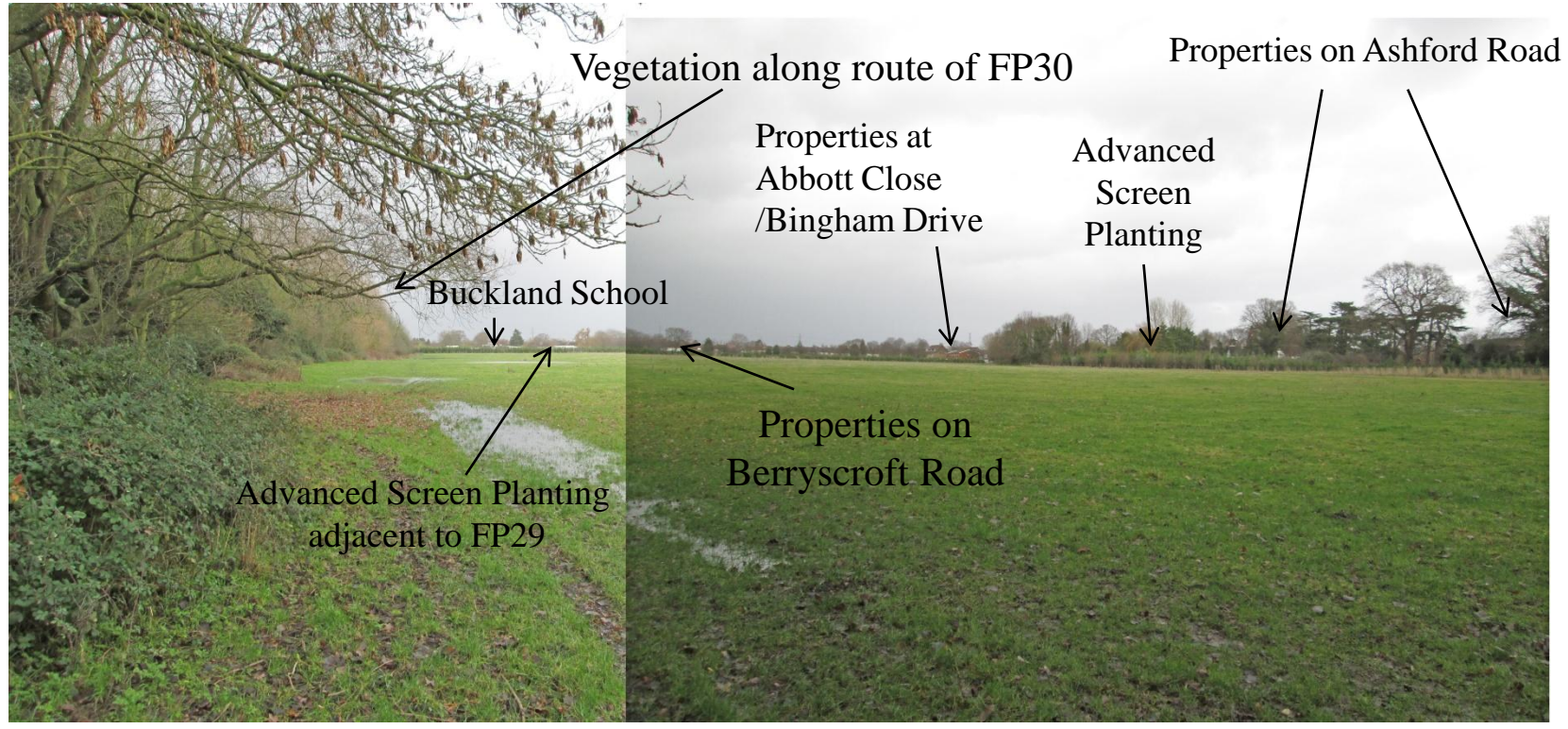


Figure 3 : View of advanced screen planting
in January 2014 between Phase 1 and
properties on Ashford Road



